

REMARKS

Claims 1-17, as amended, are pending in this application. In this Response, Applicant has amended certain claims. In particular, claims 1 and 14 have been amended to clarify that one embodiment of the present invention authenticates the identity of a user when the data sets of the user's body parts are obtained within a predetermined period of time. Moreover, claim 7 has been amended to correct a formality.

In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents. As no new matter has been added, Applicant respectfully requests entry of the amendments at this time.

THE REJECTIONS UNDER 35 U.S.C. § 102

At pages 2-4 of the Office Action, the Examiner rejected claims 14-17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,393,139 to Lin *et al.* ("Lin"). For at least the reasons set forth below, Applicant submits that the Examiner's rejections have been traversed.

Lin discloses a security access method and apparatus that verifies both a user's fingerprints and the fingerprint entering sequence to determine whether an access can be authorized. By using both the fingerprints and the entering sequence as the access criteria, a highly secured device is purportedly created using low cost commercially available components. Lin is completely silent with regard to the amount of time that the apparatus allows for a user to verify the user's fingerprints and the fingerprint entering sequence.

One embodiment of the present invention also authenticates the identity of a user. According to this embodiment, the method includes obtaining a sequence of data sets of biometric characteristics of the user, where each data set relates to one of a plurality of parts of the user's body. Then, each data set is compared with authentic versions stored in a database. Preferably, the order in which the sequence of data sets was obtained is monitored. In contrast to Lin, however, the present invention determines whether the sequence of data sets are obtained within a predetermined period of time. *See, e.g.,* Amended Claim 14 and Written Description at Page 6, lines 6-11. An authentication signal issued if the data sets satisfactorily match the corresponding authentic versions, the sequence of data sets was obtained in a predetermined order, and the sequence of data sets was obtained within the predetermined period of time. *Id.*

Thus, Lin does not teach each and every feature of the present invention as currently recited by amended independent claims 1 and 14, and therefore does not anticipate the present invention as currently claimed. As such, Applicant submits that the Examiner's § 102(e) rejection has been traversed. Reconsideration and withdrawal of the rejection is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 103

At pages 4-6 of the Office Action, the Examiner rejected claims 1-2, 4-9, and 11 were rejected under 35 U.S.C. § 103(a) as being obvious over Lin in view of U.S. Patent No. 5,233,404 to Loughead *et al.* ("Loughead"). In addition, claim 3 was rejected under § 103 as being obvious over Lin in view of Loughead, and further in view of U.S. Patent No. 4,210,899 to Swonger *et al.* ("Swonger"). Claim 10 was also rejected under § 103 as being obvious over Lin in view of Loughead in view of U.S. Patent No. 5,864,296 to Upton ("Upton"). Further, claims 12-13 were rejected under § 103 as being obvious over Lin in view of Loughead, and further in view of U.S. Patent No. 5,594,806 to Colbert ("Colbert"). Finally, claim 16 was rejected under § 103 as being obvious over Lin in view of U.S. Patent No. 4,109,237 to Hill ("Hill").

Loughead, Swonger, Upton, Colbert, and Hill, however, fail to cure the deficiencies of Lin discussed above, *i.e.*, determining whether a sequence of data sets is obtained within a predetermined period of time. Moreover, each of the references are completely silent with respect to issuing an authentication signal if the sequence is obtained within the predetermined period of time. Thus, for at least the reasons set forth above, Applicant submits that the Examiner's § 103 rejection has been overcome. As such, reconsideration and allowance of the pending claims is respectfully requested.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments and remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicant invites the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response three months to and including August 23, 2007. A Fee Sheet Transmittal is submitted herewith

to pay for the three month extension of time. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Bingham McCutchen LLP Deposit Account No. 50-4047, Order No. 19111.0124.

Respectfully submitted,
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